

No. 22-55946

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

JESUS PIMENTEL, et al.,
Plaintiffs and Appellants,

v.

CITY OF LOS ANGELES,
Defendant and Appellee.

Appeal from the United States District Court
for the Central District of California
Case No. 2:14-cv-01371-FMO-E
Hon. Fernando M. Olguin

**MOTION FOR PERMISSION TO APPEAR REMOTELY AT ORAL
ARGUMENT BY VIDEO**

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CITY OF LOS ANGELES

MOTION FOR PERMISSION TO APPEAR REMOTELY AT ORAL ARGUMENT BY VIDEO

Appellee, the City of Los Angeles, hereby seeks permission for its counsel of record, Deputy City Attorney Timothy Martin, to appear for oral argument remotely by video at the scheduled time of January 25, 2024, at 8:30am. Good cause exists for this request, as described in the following declaration of Timothy Martin, because Mr. Martin tested positive for COVID-19 on the date of this motion (January 23, 2024), and no other attorney for the City is sufficiently familiar with the appellate record and relevant authorities to adequately prepare for oral argument and appear in person on the morning of January 25. (Martin Decl. ¶¶ 2-4.)

Respectfully submitted,

Dated: January 23, 2024

LOS ANGELES CITY ATTORNEY'S OFFICE

Hydee Feldstein Soto
Denise C. Mills
Scott Marcus
Shaun Dabby Jacobs
Timothy Martin

s/ Timothy Martin
Timothy Martin

DECLARATION OF TIMOTHY MARTIN

Timothy Martin declares:

1. I am an attorney licensed to practice in the State of California and admitted to practice in the United States Court of Appeals for the Ninth Circuit. I have personal knowledge of the following facts, and if asked, I could testify truthfully to them.
2. I am a deputy city attorney for the City of Los Angeles and the attorney responsible for handling this matter on appeal. I have exercised diligence in preparing for oral argument, which is scheduled for January 25, 2024, at 8:30am.
3. Today (January 23, 2024), around 2:15pm, I tested positive for COVID-19. I will therefore be unable to appear in person for oral argument on January 25. I currently have no symptoms that would interfere with my ability to present oral argument by video.
4. Although other attorneys in the City Attorney's Office assisted me in preparing for oral argument, none are sufficiently familiar with the appellate record and relevant authorities to adequately prepare and appear in person for oral argument on January 25. I therefore respectfully request permission to appear for oral argument remotely by video.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on January 23, 2024 at Alhambra, California.

s/ Timothy Martin

Timothy Martin